



SMYRNA DEPARTMENT OF PLANNING & ZONING

22 S. Main Street
Smyrna, Delaware
302-389-2332

Major Site Plan Staff Report

Prepared By: Jeremy J. Rothwell – Senior Planner

Date prepared: April 16, 2020

Planning Commission Date: May 15, 2020

Public Hearing Notices: Advertising Dates
April 29, 2020 (Smyrna-Clayton Sun Times)
April 27, 2020 (Town Hall)

Posted on Subject Property
April 30, 2020

Mailed to Property Owner & Abutting Property Owners
April 27, 2020

Project Number: 20-086

Owner's Name: Liborio Investments IV, LLC

Site Location: 1099 S. Carter Road, Smyrna, DE 19977

Applicant's Name: Liborio Investments IV, LLC

Agent's Name: Van Cleef Engineering, c/o Scott Lobdell, P.E.

Tax Map Number: 1-17-01019-01-0105-00001

Parcel Size: 8.26 acres

Existing Zoning:	LC – Local Commercial
Requested Action:	<i>Major Site Plan</i> - The applicant proposes to construct three one-story office buildings totaling 49,800 sq. ft. GFA on an existing vacant parcel.
Zoning & Project History:	<p>October 5, 1987 – The Smyrna Town Council annexes this parcel (then part of the much larger 337-acre Mitchell Farm).</p> <p>Circa 2000 – The Smyrna Town Council denies the applicant’s request to rezone this parcel from LC – Limited Commercial to HC – Highway Commercial.</p> <p>February 18, 2003 – The Smyrna Town Council adopts the 2002 Smyrna Comprehensive Plan. The parcel is identified under the ‘Limited Commercial’ land use designation as shown on the Future Land Use Map (Figure 4) of said Comp Plan.</p> <p>February 19, 2003 – The Town of Smyrna grants Conditional Use approval to construct 168 mini-storage units in seven buildings on the before-mentioned parcel.</p> <p>September 7, 2004 – The Town of Smyrna approves and records a Site Plan known as Sunnyside Village Center on 15.1232 acres to construct five office buildings and seven mini-storage buildings (Plot Book 73, Page 89). The subject parcel is shown as Parcel 2, and included 168 mini-storage units in seven buildings, and a 14,350 sq. ft. office/daycare building (which were never constructed). While the office/retail buildings on Parcel 1 were subsequently constructed starting in 2008. The before-mentioned 8.26-acre parcel (known as Parcel 2) has remained in the same configuration since this time.</p> <p>September 19, 2007 - The above-mentioned Sunnyside Village Center Site Plan was revised and recorded to accommodate a Town electrical easement in the rear of Parcel 1 and Parcel 2 (Plot Book 96, Page 28).</p> <p>February 4, 2013 – The Smyrna Town Council adopts the 2012 Smyrna Comprehensive Plan. The before-mentioned parcel is identified as ‘Commercial’ land use designation as shown on the Future Land Use Map (Figure 3) of said Comp Plan.</p> <p>March 25, 2020 – The applicant submits Major Site Plan application.</p>

Compliance with the Comprehensive Plan

As shown on Map F 3 Future Land Use, the before-mentioned parcel is designated as ‘Commercial.’

As detailed in Chapter 3 – Development Plan (Page 34-35) of the 2012 Comprehensive Plan:

Commercial Use

Areas located predominately along U.S. Route 13 and Glenwood Avenue (Route 300) are designated for a commercial use, alongside, between, and extending outwardly from existing commercial areas along the highway and arterial streets. This plan recommends that new commercial areas be developed in coordinated groupings or clusters of commercial buildings with common access from the highway and/or arterial streets, preferably feeding parking areas from the side or rear to limit the number of curb cuts and thereby reduce traffic safety hazards. In parts of this land use area are existing residential structures, which should be allowed to convert to commercial uses under design guidelines which would buffer adjacent residential uses from parking and loading uses while preserving the residential character of the buildings and the site as a transition from the highway into adjacent residential subdivisions.

Commercial uses should be managed in a manner consistent with the Town’s desire to improve the appearance, functionality, and safety of Routes 13, as described in the transportation system portion of the plan. Design standards (especially addressing signage, lighting, traffic flow and pedestrian safety) for these areas will be included in new provisions in the zoning ordinance. These design standards will support downtown redevelopment as well as economic redevelopment throughout the Town by providing an inviting gateway leading to Smyrna’s historic downtown and surrounding commercial areas.

Compliance with the Smyrna Zoning Ordinance

Section 5.8D- LC Local Commercial Bulk Standards

	Required	Proposed
Minimum Lot Size	None	8.26 Acres
Minimum Lot Width	None	1,205.59 ft.
Minimum Lot Depth	None	300.00 ft.
Front Yard Setback (Carter Road)	35 ft.	131 ft. (Building C)
Side Yard Setback (West)	0 ft. (Commercial)	72.56 ft. (Building A)
Side Yard Setback (East)	0 ft. (Commercial)	115.01 ft. (Building C)
Rear Yard Setback	20 ft.	25.17 ft. (Building A)
Lot Coverage	80%	49%
Building Height	45 ft.	(Please Provide)
Parking Setback	10 ft.	20 ft.

The proposed project is in compliance with all of the bulk requirements of the LC – Local Commercial Zoning District.

Sidewalks and Multi-Modal Connectivity

In accordance with the *Smyrna Town Code Appendix B – Subdivision and Land Development Ordinance §5.02(a)*, sidewalks at least 4 ft. in width are required to be constructed along all street frontages for all subdivision plans and commercial site plans. As set forth in *Section 5.02(d)* of the Subdivision and Land Development Ordinance, the Planning Commission and Town Council may also require pedestrian ways (a minimum of 5 ft. in width for pedestrians and 8 ft. in width if designed as a combined pedestrian/bikeway) internally within the project to connect open spaces, schools, and other buildings. The applicant has proposed a 5'-wide concrete sidewalk for approximately 180 ft. of Carter Road, while the remaining frontage is constructed with an 8'-wide asphalt shared use path. For consistency, staff strongly recommends that either/or of the before-mentioned sidewalk or shared use path be constructed along the Carter Road frontage (but not both).

The proposed sidewalk and shared use path is to be located only 1 ft. from the curb and gutter. Staff recommends that this sidewalk/shared use path be moved back from the curb and gutter to a distance of 3-4 ft. to better ensure pedestrian safety (especially given the relatively high speed of traffic along S. Carter Road). Given the location of the non-tidal wetlands and culvert, a small portion of said sidewalk/shared use path may have to curve towards Carter Road for a small section of the frontage.

Given that the before-mentioned parcel has approximately 1,205.59 ft. of frontage along S. Carter Road, staff strongly recommends that some sort of mid-block pedestrian connection be provided. The most obvious location for such a pedestrian connection would be directly in front of the proposed 30,000 sq. ft. office building in the vicinity of the northern most set of ADA parking spaces in this parking area.

Compliance with Landscaping & Street Buffering Requirements

In accordance with the *Smyrna Town Code Appendix A – Zoning §6.12*, a planted vegetative buffer or fence at least 6 ft. in height is required when a non-residential use abuts a residentially-zoned parcel. Given the presence of the Bon Ayre manufactured home subdivision to the rear of this project, a planted or fence buffer is required. The applicant has proposed a continuous row of 116 Giant Arborvitae evergreen trees along the rear property line, but on the adjacent Bon Ayre parcel (Parcel No. 0102). Given the location of the existing grass swale running along the rear property line, staff agrees that it is not practical to plant a vegetative buffer at least 6 ft. in height on Parcel No. 0105. If the applicant chooses to plant a vegetative buffer, staff shall require that a cross access easement be shown on the Plan View and recorded with this Plat giving the owner of Parcel No. 0105 the right to come onto Parcel No. 0102 for the purpose of maintaining this vegetative buffer (to account for if either of the two parcels being sold and coming

under differing ownership). Alternatively, the applicant may opt to construct a continuous fence at least 6 ft. in height on Parcel No. 105 (subject parcel) if it can be accommodated between the swale and property line.

As set forth in the *Smyrna Town Code Appendix B – Subdivision & Land Development Section 5.17(c)*, the applicant is required to plant one (1) tree per 3,000 sq. ft. of lot area at least 2” in caliper. With a lot area of 8.26 acres (359,735.08 sq. ft.), a minimum of 120 trees shall be planted. The applicant has proposed 88 trees at least 2” in caliper, and shall be required to plant at least 32 additional trees. Staff recommends that additional street trees be planted along Carter Road. The applicant has proposed planting street trees 100 ft. on center, while *Section 74-51(a)* of the Smyrna Town Code recommends medium street trees be planted 40 ft. on center.

As set forth in the *Smyrna Town Code Appendix A – Zoning §6.13(a)*, dumpsters shall be appropriately located, and “appropriately screened to improve the appearance of the area.” The applicant has proposed three dumpsters on two pads. While staff concurs that the dumpsters for Buildings A and B are appropriately located, they are only screened by a single row of shrubbery (18”-24” in height). Staff shall require a wooden or brick dumpster enclosure to be constructed for each dumpster.

Compliance with Parking Requirements

Town of Smyrna Code Appendix A – Zoning §6.1A(9) Required Parking Spaces by Use
(k) Offices, four spaces per 1,000 sq. ft. of gross floor area

Required (49,800 sq. ft. of office space) – 200 parking spaces (including 5 ADA space)
 Provided – 244 vehicular parking spaces (including 8 ADA spaces)

The applicant has proposed 9’ x 20’ parking spaces on the site. The before-mentioned section of the ordinance does not mandate a minimum size for parking spaces, however AASHTO recommends a minimum size of 9’ x 18’ for pull in (perpendicular) parking spaces.

As set forth in *Section 6.1A(8)(a)* of the Zoning Ordinance, parking stalls are limited to 15 consecutive spaces. The row of parking spaces directly in front of proposed Building A is 19 spaces long. Please either add a landscaped 9’ x 15’ island or else obtain a variance from the Board of Adjustment.

As set forth in *Section 6.1A(7)* of the Zoning Ordinance, a minimum of one bicycle rack (with 5 spaces) shall be provided in every parking lot containing 20 or more spaces. The applicant is thus required to provide at least two (2) bicycle racks, but has not provided any. Staff recommends that 2-4 bicycle racks be provided.

Compliance with Loading Space Requirements

Town of Smyrna Zoning Ordinance Section 6.1B(1) – Off-street Loading Requirements

(j) Offices: one (1) off-street loading space for 10,000 sq. ft. to 25,000 sq. ft. and one (1) additional loading space for every additional 25,000 sq. ft. or fraction thereof.

Loading Spaces Required (49,800 sq. ft. GFA) – 2

Loading Spaces Provided – 3

Compliance with Signage Requirements

As set forth in the *Smyrna Town Code Appendix – A Zoning §6.15*, the applicant is permitted 2 sq. ft. of wall sign area for every linear feet of building frontage for a maximum of 100 sq. ft. The applicant has not yet proposed any wall signage.

As set forth in the *Smyrna Town Code Appendix A – Zoning §6.15*, the applicant is permitted one monument sign up to 25 sq. ft. in size, and up to ten (10) feet in height. The applicant has not proposed a monument sign for this project.

Staff Recommendation:

Staff recommends that the Planning Commission approve the proposed three one-story office buildings totaling 49,800 sq. ft. as shown on the before-mentioned site plan, but subject to the following conditions:

- 1.) Either a 5 ft.-wide concrete sidewalk or an 8 ft-wide asphalt shared use path be constructed along the frontage of S. Carter Road, but not both.
- 2.) That a mid-point pedestrian connection be provided in the vicinity of Office Building C.
- 3.) That the proposed sidewalk/shared use path be set back from the roadway at least 3 feet.
- 4.) That a cross access easement be recorded on adjacent Parcel No. 102 if the applicant chooses to construct a vegetative buffer on this parcel.
- 5.) That the proposed dumpsters be screened by a wood or brick masonry enclosure (in addition to the shrubbery already provided).
- 6.) That a landscaped island be added directly in front of proposed Building A, or else obtain a variance to exceed the fifteen allowable parking spaces in a row.
- 7.) That at minimum two (2) bicycle racks are provided; one for each parking area.

Attachments A – Preliminary Land Development Plan Carter Road Professional Center

B – Photos looking north and south along S. Carter Road

Attachment B – Photos Looking North and South Along S. Carter Road

